

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HUNG HA,

Plaintiff,

v.

BRIAN ROJAS and MCMILTON (BADGE #
74),

Defendants.

No. C 14-80305 CW

ORDER RETURNING
COMPLAINT TO
PLAINTIFF

Plaintiff Hung Ha was declared a vexatious litigant by Magistrate Judge Larson on July 29, 2010. Ha v. U.S. Atty. Gen., 2010 WL 3001224 (N.D. Cal.). Judge Larson ordered that "any future civil pro se filing by Plaintiff in this district shall be subject to pre-filing review by a judge of this Court." Id. at *5. The Ninth Circuit summarily affirmed the order on appeal. See Ha v. U.S. Atty. Gen., N.D. Cal. Case No. 09-5281, Docket No. 291.

The Court has reviewed Plaintiff's complaint and finds that it shall not be filed because the claims set out therein are frivolous. Plaintiff alleges numerous federal and state causes of action and asserts claims under international treaties based on his arrest on an unspecified date at the University of California Berkeley's Recreational Sports Facility.¹ Plaintiff includes in

¹ The Court notes that this is not the first complaint Plaintiff has filed concerning events at the Recreational Sports Facility. See, e.g., Ha v. Maddy, 13-80283, Ha v. Celaya, 12-80244; Ha v. Sweet B., 09-1392. None of those cases has proceeded past the pleading stage.

1 his complaint a lengthy description of an incident which resulted
2 from a disagreement between Plaintiff and a staff member at the
3 University of California Berkeley's Recreational Sports Facility
4 regarding the footwear policy that prohibits individuals from
5 wearing sandals in the workout area and ultimately resulted in
6 Plaintiff's arrest by the University of California Police.
7 However, Plaintiff does not tie any of his asserted causes of
8 action to these allegations and, even construing the complaint
9 liberally, the Court is unable to discern any support for the
10 causes of action.

11 Because Plaintiff's proposed complaint is frivolous and fails
12 to state a claim upon which relief can be granted, leave to file
13 the proposed complaint is DENIED. The Clerk of the Court is
14 ordered not to file the complaint. Plaintiff's (1) application to
15 proceed in forma pauperis; (2) application to submit a motion for
16 order re: representation; and (3) application for leave to e-file
17 are DENIED as moot. No further filings shall be entertained in
18 this case.

19 IT IS SO ORDERED.

20
21 Dated: December 1, 2014


CLAUDIA WILKEN
United States District Judge